

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN THOMAS KERBEY,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 05-1032
(ESH)

ORDER

Defendant has filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6).
Plaintiff is not represented by counsel in this matter.

In *Fox v. Strickland*, 837 F.2d 507 (D.C. Cir. 1988), the Court of Appeals held that a district court must take pains to advise a *pro se* party of the consequences of failing to respond to a dispositive motion. “That notice . . . should include an explanation that the failure to respond . . . may result in the district court granting the motion and dismissing the case.” *Id.* at 509.

Accordingly, it is hereby

ORDERED that plaintiff shall respond to the defendant’s motion to dismiss no later than November 1, 2005. If plaintiff neither responds nor moves for an extension of time by the due date, the Court may treat the motion as conceded and dismiss plaintiff’s complaint.

SO ORDERED.

s/

ELLEN SEGAL HUVELLE
United States District Judge

DATE: October 4, 2005